

GEORGE A. RILEY (State Bar No. 118304)
LUANN L. SIMMONS (State Bar No. 203526)
O'MELVENY & MYERS LLP
Embarcadero Center West
275 Battery Street
San Francisco, California 94111
Telephone: (415) 984-8700
Facsimile: (415) 984-8701
E-Mail: griley@omm.com
lsimmons@omm.com

E-filed 10/6/06

DAVID M. FURBUSH (State Bar No. 83447)
O'MELVENY & MYERS LLP
2765 Sand Hill Road
Menlo Park, California 94025
Telephone: (650) 473-2600
Facsimile: (650) 473-2601
E-Mail: dfurbush@omm.com

Attorneys for Individual Defendants STEVEN P. JOBS, FRED D. ANDERSON, WILLIAM V. CAMPBELL, MILLARD S. DREXLER, ALBERT A. GORE, JR., ARTHUR D. LEVINSON, JEROME B. YORK, JONATHAN RUBINSTEIN, TIMOTHY D. COOK, AVADIS TEVANIAN, JR., GUERRINO DE LUCA, ROBERT CALDERONI, and MITCHELL MANDICH and Nominal Defendant APPLE COMPUTER, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHAEL PRIEBE and CYNTHIA PRIEBE,
Plaintiffs

Case No. C 06-04703-JF

V.

STEVEN P. JOBS, FRED D. ANDERSON,
WILLIAM V. CAMPBELL, MILLARD S.
DREXLER, ALBERT A. GORE, JR., ARTHUR
D. LEVINSON, JEROME B. YORK, EDGAR S.
WOLLARD, JR., GARETH C. C. CHANG,
DELANO E. LEWIS, KATHERINE M.
HUDSON, JONATHAN RUBINSTEIN,
TIMOTHY D. COOK, AVADIS TEVANIAN,
JR., GUERRINO DE LUCA, ROBERT
CALDERONI and MITCHELL MANDICH

Defendants,

- and -

APPLE COMPUTER, INC.,
a California corporation.

Nominal Defendant

**FURTHER STIPULATION AND
[PROPOSED] ORDER
EXTENDING TIME FOR
DEFENDANTS TO RESPOND TO
COMPLAINT**

1 IT IS HEREBY STIPULATED by and between Plaintiffs Michael Priebe and Cynthia
2 Priebe ("Plaintiffs") and Individual Defendants Steven P. Jobs, Fred D. Anderson, William V.
3 Campbell, Millard S. Drexler, Albert A. Gore, Jr., Arthur D. Levinson, Jerome B. York, Jonathan
4 Rubinstein, Timothy D. Cook, Avadis Tevanian, Jr., Guerrino De Luca, Robert Calderoni,
5 Mitchell Mandich and Nominal Defendant Apple Computer, Inc. ("Defendants") as follows:

6 WHEREAS, Plaintiffs filed their complaint against Apple on August 2, 2006;

7 WHEREAS, Defendants are currently scheduled to respond to Plaintiffs' Complaint by
8 October 6, 2006;

9 WHEREAS, counsel are engaged in discussing the possibility of consolidation of this
10 matter with related cases and/or the subsequent filing of a consolidated complaint;

11 WHEREAS, the undersigned parties wish to further judicial efficiency by deferring
12 responsive pleadings until such time as consolidation issues are addressed;

13 NOW, THEREFORE, pursuant to Local Rule 6-1, the undersigned parties hereby stipulate
14 as follows:

15 All defendants who have been served to date, and all defendants who shall subsequently
16 accept service and request to be covered by this stipulation, shall have a further extension of time
17 to answer or otherwise respond to 30 days after the filing of a consolidated complaint, or in the
18 event that the Court denies the forthcoming motion for consolidation, the above-described
19 defendants shall answer or otherwise respond to Plaintiffs' Complaint no later than 30 days after
20 such denial.

21 IT IS SO STIPULATED.

22 Dated: October 5, 2006

23 GEORGE A. RILEY
DAVID M. FURBUSH
LUANN L. SIMMONS
O'MELVENY & MYERS LLP

24

25

26

27

28

By: /s/ Luann L. Simmons
Luann L. Simmons

Attorneys for Individual Defendants STEVEN
P. JOBS, FRED D. ANDERSON, WILLIAM
V. CAMPBELL, MILLARD S. DREXLER,

1 ALBERT A. GORE, JR., ARTHUR D.
2 LEVINSON, JEROME B. YORK,
3 JONATHAN RUBINSTEIN, TIMOTHY D.
4 COOK, AVADIS TEVANIAN, JR.,
5 GUERRINO DE LUCA, ROBERT
6 CALDERONI, and MITCHELL MANDICH
7 and Nominal Defendant APPLE COMPUTER,
8 INC.

9
10 Dated: October 5, 2006

11 PETER A. BINKOW
12 GLANCY BINKOW & GOLDBERG LLP

13 By: /s/ Peter A. Binkow
14 Peter A. Binkow

15 Attorneys for Plaintiffs
16 MICHAEL PRIEBE and CYNTHIA PRIEBE

17 **CERTIFICATION OF CONCURRENCE**

18 I attest under penalty of perjury that concurrence in the filing of this document has been
19 obtained from Peter A. Binkow.

20 Dated: October 5, 2006

21 GEORGE A. RILEY
22 DAVID M. FURBUSH
23 LUANN L. SIMMONS
24 O'MELVENY & MYERS LLP

25 By: /s/Luann L. Simmons

26 Luann L. Simmons

27 Attorneys for Individual Defendants STEVEN
28 P. JOBS, FRED D. ANDERSON, WILLIAM
V. CAMPBELL, MILLARD S. DREXLER,
ALBERT A. GORE, JR., ARTHUR D.
LEVINSON, JEROME B. YORK,
JONATHAN RUBINSTEIN, TIMOTHY D.
COOK, AVADIS TEVANIAN, JR.,
GUERRINO DE LUCA, ROBERT
CALDERONI, and MITCHELL MANDICH
and Nominal Defendant APPLE COMPUTER,
INC.

1 [PROPOSED] ORDER
2
3

4 Pursuant to stipulation, IT IS SO ORDERED.
5
6

7 Dated: 10/6/06
8
9

10 
11
12

13 The Honorable Jeremy Fogel
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MP1:988723.1